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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,514	03/24/1999	MATTHEW J. HOLLIMAN	42390.P7034	9862

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/275,514

Applicant(s)

HOLLIMAN ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is in reference to response received on 110 October 2003 to the office action mailed on 07 May 2003. Amendment to claims 1, 12, 13, 19, 26 and 30 are acknowledged and considered. There are 30 claims 1 – 30 pending for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2, 5 – 9, 11 – 14 and 19, 21 – 25, 26, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. US patent 6,385,388 hereinafter known as Lewis in view of DirecTV, Inc. hereinafter known as DirecTV.

Regarding claims 1, 12, 19, 26, 28 and 30, Lewis discloses a method and apparatus for processing information stored on a storage medium, such as a digital video disk, involves accessing information stored on the medium and determining whether information stored on the storage medium includes unrated program

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information. If so, a user is given the opportunity to override a control condition of the system that prevents playback of unrated program information. If override is selected, playback of the unrated program information is enabled and, upon completion of playback, the control condition of the system may be restored to prevent playback of other unrated program information.

A video disc player reading a DVD formatted disc (storage) may be controlled to display certain packets of data and skip over others. A single disc may allow playback of multiple camera angles, story endings, scenes according to a ratings content, etc. Using this capability, the DVD system can be used to prevent unauthorized access to information on a particular disc as well as seamlessly provide multiple variations of a video title in accordance with user commands [col. 1, lines 24 – 32]. Override may be conditioned upon the user first entering a password. The mode of operation that permits override of the control condition for preventing playback of unrated program information mode of operation may be selectively enabled [abstract]. Alternatively, DirecTV discloses system and method which restricts access to content by providing an access card, which acts as a “license plate” to provide security and encryption information allowing customers to control the use of DSS [page 19].

FIGS. 8a-b illustrate a single playback sequence and a multiple playback sequence provided by seamlessly branching between groups of program chains. In FIG. 8a, the disc only provides for a single playback sequence which comprises program chain #1, wherein the playback proceeds in one continuous sequence. In FIG. 8b, multiple playback sequences are provided, wherein a G-rated sequence would follow

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program chains 1, 2, 4 and 7, while a PG-rated playback sequence would follow program chains 1, 3, 5 and 8, and an R-rated playback sequence would follow program chains 1, 3, 6 and 9 (selected group less than the entire content) [col. 6, lines 2 – 12].

Lewis discloses that if the user successfully passes the password challenge, disc player 24 automatically overrides the unrated disc lockout feature and resumes playback of the selected disc or video title set (transmission of segments to the display) [col. 7, lines 11 – 20].

Lewis does not disclose

transmission to provide content, and,

providing access to the group of segments over a network.

However, DirecTV discloses transmission to provide content. In addition, it is known at the time of invention to a person with ordinary skill in the art that video streaming was available to transmit video and audio over the network. Therefore, it is known at the time of invention to a person with ordinary skill in the art modify Lewis as taught by DirecTV to enable the transmission of segments (video streaming) to make provide video on demand services (provide content) to customers and provide FV-Chip capability.

Regarding claims 2 and 13, Lewis discloses multiple playback sequences wherein a G-rated sequence would follow program chains 1, 2, 4 and 7, while a PG-rated playback sequence would follow program chains 1, 3, 5 and 8, and an R-rated

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playback sequence would follow program chains 1, 3, 6 and 9 (selecting subset of the entire content) [col. 6, lines 2 – 12]. Lewis does not disclose video scrambling. However, DirecTV disclose customer requiring a settop box (descramble scrambled program content) to view its program content. Therefore, it would have been obvious to a person with ordinary skill in the art to scramble program content to minimize revenue loss due unauthorized use of program content.

Regarding claim 5, Lewis discloses selecting subset of segments [Fig. 8].

Regarding claims 6 – 7, 14, 21 – 23, Lewis discloses selecting subset of segments [Fig. 8]. Lewis discloses parental lock out, decryption of encrypted discs, dialing remote controllers to gain access to encrypted discs. Additionally, DirecTV discloses system and method which restricts access to content by providing an access card, which acts as a “license plate” to provide security and encryption information allowing customers to control the use of DSS and enabling DirecTV to capture billing information [page 19]. Therefore, it would have been obvious at the time of invention to a person with ordinary skill in the art to encrypt the content to provide parental control, prevent unauthorized use etc.

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Regarding claim 8, Lewis does not disclose authentication. However, DirecTV discloses to authenticate users. DirecTV discloses to restrict access to content by providing an access card, which acts as a “license plate” to provide security and encryption information allowing customers to control the use of DSS and enabling DirecTV to capture billing information [page 19]. DirecTV discloses to associate users with access card [page 15]. It is obvious that DirecTV authenticates access cards to enable customers to view program contents. Therefore, it would have been obvious to a person with ordinary skill in the art to authenticate access to minimize fraudulent access to the program content.

Regarding claims 9 and 24 – 25, Lewis and DirecTV disclose to have video and audio contents.

Regarding claim 11, Lewis does not disclose video and audio to be protected. However, DirecTV disclose that customer need access card to get DirecTV program content. Therefore, it is known at the time of invention to a person with ordinary skill in the art to protect program content (video and audio) to minimize revenue loss due the unauthorized use.

Claims 3 – 4, 15, 20, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. US patent 6,385,388 hereinafter known as Lewis in view of DirecTV, Inc. hereinafter known as DirecTV, and further in view of Jones et al. US Patent 5,623,637 hereinafter known as Jones.

Regarding claim 3, Lewis discloses that if the user successfully passes the password challenge (provides the key), disc player 24 automatically overrides the unrated disc lockout feature and resumes playback of the selected disc or video title set [col. 7, line 11 – col. 8, line 36]. Lewis does not disclose key to include remote computer number. DirecTV discloses system and method which restricts access to content by providing an access card, which acts as a “license plate” to provide security and encryption information allowing customers to control the use of DSS and enabling DirecTV to capture billing information [page 19]. Also, DirecTV system and method allows only the customers who have ordered the optional program content view the descramble and view the program content. It would have been obvious to a person with ordinary skill in the art the DirecTV access card has a identification means and method to which enables only the authorized settop boxes to descramble the program content. Alternatively, Jones discloses a detachable PCMCIA memory card incorporating a smartcard integrated circuit for storing a password value and logic circuitry for preventing access to information stored on the memory card. The smartcard integrated circuit may also be used to store public and private key values used to encrypt and

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decrypt data stored on the card or elsewhere on the host computer or exchanged with a remote computer [abstract]. Therefore, it is known at the time of invention to a person with ordinary skill in the art to use means and method to uniquely identify the device to generate billing for the customer.

Regarding claims 4, 15, 20, 27 and 29 DirecTV to uniquely identify customers to generate billing. DirecTV discloses that its access card contains a microprocessor [page 19]. Neither Lewis nor DirecTV disclose to have the device number same as processor number. However, it is a business choice to decide how they would want to assign serial numbers. A business may elect to program their own identifiers (e.g. serial numbers), or, may elect to use some other means like serial number of the motherboard etc. Therefore, a business may elect to use the processor manufacturer's serial numbers assigned to the processor as their identification number to ensure that the identification number assigned the device is a unique number.

Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. US patent 6,385,388 hereinafter known as Lewis in view of DirecTV, Inc. hereinafter known as DirecTV, and further in view of Hsu US Patent 6,195,692.

Regarding claim 10, neither Lewis nor DirecTV disclose video signals to be MPEG. Hsu discloses an internet on-demand system for television presents internet content and traditional television programming as part of a single coherent interface [abstract]. HSU discloses that data is often compressed for more rapid delivery over the limited bandwidth currently available. Different types of data files, such as sound, video and graphics files, are often compressed at different rates and ratios, often using different compression schemes. For example, video data can be compressed using the MPEG1 or MPEG2 standards, audio data as wav, au or aiff files, and graphic images can be compressed using either the JPEG or GIF standards. Therefore, it is known at the time of invention to a person with ordinary skill in the art to compress video using MPEG standards for rapid delivery over the limited available bandwidth.

Claims 16 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. US patent 6,385,388 hereinafter known as Lewis in view of DirecTV, Inc. hereinafter known as DirecTV, and further in view of Thomas et al. US Patent 5,425,100 hereinafter known as Thomas.

Regarding claims 16 – 18, neither Lewis nor DirecTV disclose type of encryption/scrambling used. However, Thomas requires use of any type of encryption that is reversible and includes use of a key. Therefore, it would have been obvious at

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the time of invention to a person with ordinary skill in the art identify the type of encryption to the user to reverse the encryption and display the program content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. An article "Ratings, Filters and Censorship"

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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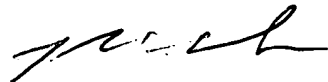
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig
December 23, 2003



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600